



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: AUGUST 14, 2006

J. L.
ITEM NUMBER:

SUBJECT: ZONING APPLICATION ZA-06-48
KLINE SCHOOL
320 EAST 18TH STREET

DATE: AUGUST 3, 2006

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER
(714) 754-5611

PROJECT DESCRIPTION

The applicant is requesting approval of a modification to previously approved conditional use permits PA-86-103 and PA-86-121 to eliminate the requirement for off-site parking.

APPLICANT

The applicant is Susan Kline, who is also the owner of the property.

RECOMMENDATION

Deny by adoption of Planning Commission resolution.

MEL LEE, AICP
Senior Planner

R. MICHAEL ROBINSON, AICP
Asst. Development Services Director

BACKGROUND

The property was formerly occupied with a preschool which was originally part of the adjacent First Baptist Church of Costa Mesa (now Lighthouse Coastal Community Church) approved via a master plan in 1975. The property was sold to a separate owner, who, on April 13, 1981, requested Planning Commission approval of Master Plan ZE-81-74 to expand the preschool by increasing the size of the building. The proposed expansion also included increasing the maximum number of children from 26 to 59. At the time the master plan was approved, there were no parking requirements for I&R zoned properties or for preschool facilities. However, a condition of approval required the recordation of an easement for the use of approximately 14 parking spaces on the adjacent church property. Staff does not have a record of such a document being recorded, and the addition was never constructed.

On June 23, 1986, Planning Commission approved Conditional Use Permit PA-86-103 for the conversion of the preschool to a private elementary school. An expansion doubling the size of the existing building was also proposed. One of the requirements at the time PA-86-103 was approved, was for the applicant to obtain approval of a separate conditional use permit for the use of 20 off-site parking spaces from the adjacent church property, which was approved on July 28, 1986 as Conditional Use Permit PA-86-121. Neither PA-86-103 nor PA-86-121 specified a maximum number of children for the school. The addition approved under the CUP's was constructed in 1986. In August, 1987, the property was purchased by Kline School.

Other entitlements related to Kline School include Master Plan PA-95-29, to allow the placement of a modular building for the school on the church property for an interim period, Minor Conditional Use Permit ZA-00-19 to allow a time extension for the modular building, and Master Plan PA-00-56, which memorialized the prior approvals for the church and the school properties.

According to the applicant, in late June, 2006, the lease allowing Kline School to use the church property for the modular building and the off-site parking was terminated. As a result, the modular building has been removed and the previous CUP's requiring off-site parking for the school need to be modified. On August 1, 2006, the City Council modified the conditions of approval for Master Plan PA-00-56 reflecting the discontinuance of the use of the church property by Kline School.

Code Section 13-29(k) allows revisions to Planning Applications to be reviewed by the Zoning Administrator, however, due to the on-going controversy associated with the entitlements for Kline School and Lighthouse Coastal Community Church, the modification is being forwarded to the Planning Commission as a public hearing.

DISCUSSION

As indicated earlier, the Kline School site does not have on-site parking. With the cessation of the lease for the off-site parking, the applicant is proposing weekday

curbside drop-off and pick-up for the school and to allow up to five staff vehicles to park on the street for an interim period while Kline School searches for a new preschool site.

To insure that the use does not adversely impact surrounding residences, the applicant is proposing a curbside drop-off and pick-up procedure, a copy of which is attached to this report as "Appendix C" to the applicant's submittal package. According to this procedure, the curbside drop-off and pick-up would accommodate approximately 30 families. Cars would arrive between 7:30 AM and 8:05 AM. Parking by families would not be permitted. A staff member would greet each family and direct the child to class. In the afternoon, pick-ups would be arranged between 2:50 PM and 3:15 PM alphabetically by last name. A copy of these procedures will be distributed to each family. Staff will escort students to the waiting cars curbside. On-street parking would be for staff members only, which does not exceed 5. The school staff would be responsible for monitoring and enforcing these procedures.

Staff notes the following concerns with the applicant's request. Parking on public streets is not regulated under the Zoning Code; therefore, staff cannot designate areas for drop-off, pick-up, or require conditions of approval for parking of staff or customers. Additionally, the request was reviewed by the City's Transportation Services Division, which also noted areas for drop-off, pick-up or parking cannot be designated on a public street without approval by City Council; however, customers and school staff could park in any available space on the street. Due to the past parking and traffic issues associated with the school and the church which were raised in the recently approved expansion of the church preschool under Master Plan PA-00-56, which will increase parking and traffic on surrounding streets by adding an afternoon session, staff cannot support the request.

If the request is denied, it would mean that the applicant cannot provide curbside drop-off, pick-up, or parking for the school even though, as pointed out earlier, the Zoning Code does not address parking or other uses on public streets. It would mean however, that the original approvals for PA-86-103 and PA-86-121 would be null and void, since off-street parking was required as a condition of approval for these CUP's. As a result, staff would need to initiate proceedings to revoke both conditional use permits or have them surrendered by the applicant.

GENERAL PLAN CONFORMITY

The property has a General Plan Land Use Designation of Public Institutional. The use of the property for a school is consistent with this land use designation.

ALTERNATIVES

1. Approve the request, subject to the recommended conditions of approval; or
2. Deny the request. If the request is denied, the original approvals for PA-86-103 and PA-86-121 would be null and void, since off-street parking was required as a condition of approval for these CUP's. As a result, staff would need to initiate proceedings to revoke both conditional use permits or have them surrendered by the applicant.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act under Section 15301 for Existing Facilities.

CONCLUSION

Parking on public streets is not regulated under the Zoning Code; therefore, staff cannot designate areas for drop-off, pick-up, or require conditions of approval for parking of staff or customers. Due to the past parking and traffic issues associated with the school and the church, staff recommends denial of the request.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" - Draft Findings
 Exhibit "B" - Draft Conditions of Approval
 Exhibit "B-1" – Curb Side Drop-off and Pick-Up Procedure
 Applicant's Project Description and Justification
 Correspondence Submitted by the Applicant
 Zoning/Location Map
 Site Plan

cc: Deputy City Manager - Dev. Svs. Director
 Deputy City Attorney
 City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Susan A. Kline
Kline School
320 East 18th Street
Costa Mesa, CA 92627

File: 081406ZA0648

Date: 080306

Time: 11:15 a.m.

af

RESOLUTION NO. PC-06-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA DENYING ZONING APPLICATION
ZA-06-48**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Susan A Kline, owner of real property located at 320 East 18th Street, requesting approval of a modification to previously approved conditional use permits PA-86-103 and PA-86-121 to eliminate the requirement for off-site parking; and,

WHEREAS, a duly noticed public hearing was held by the Planning Commission on August 14, 2006.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," the Planning Commission hereby **DENIES** Zoning Application ZA-06-48 with respect to the property described above.

PASSED AND ADOPTED this 14th day of August, 2006.

Bill Perkins, Chair,
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, R. Michael Robinson secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on August 14, 2006, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"**FINDINGS**

- A. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed modification is not substantially compatible with developments in the same general area. Granting the conditional use permit will be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, parking on public streets are not regulated under the Zoning Code; therefore, areas for drop-off, pick-up, or parking cannot be designated by conditions of approval or regulated by the City. Due to the past parking and traffic issues associated with the school and the church, which were raised in the recently approved expansion of their preschool under Master Plan PA-00-56, the request cannot be supported.
- B. The request does not comply with Costa Mesa Municipal Code Section 13-29 (e) because:
 - a. The proposed modification is not compatible and harmonious with uses both on-site as well as those on surrounding properties.
 - b. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 - c. The proposed modification is not consistent with the General Plan.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities.
- D. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"

CONDITIONS OF APPROVAL (IF REQUEST IS APPROVED)

- Plng. 1. The conditional use permit herein approved is valid for the 2006-2007 regular school year and shall expire at the end of the school year in June, 2007, unless the applicant applies for and is granted an extension of time. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the development services director or his designee, any of the findings upon which the approval was based are no longer applicable.
2. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
3. The applicant shall be responsible for enforcing the curbside drop-off and pick-up procedure attached as "Exhibit B-1". Any proposed operational change that significantly increases or intensifies the use shall require approval of an amendment to this conditional use permit by the Planning Commission.
4. The curbside drop-off and pick-up, and off-site parking, shall be conducted, at all times, in a manner to allow the quiet enjoyment of the surrounding neighborhood. The applicant shall institute whatever operational measures are necessary to comply with this requirement.
5. This approval shall replace the previous approvals granted under Conditional Use Permit PA-86-103 and PA-86-103 as it pertains to the off-site parking.

Exhibit “B-1”

CURBSIDE DROP-OFF AND PICK-UP PROCEDURE

IN THE MORNING

- Travel west on East 18th Street. As you approach the school property, pull over to the designated unloading zone. (Delineators will be placed on the sidewalk to mark off the area.)
- From 7:30–8:05 a.m., a staff member(s) will greet and direct your child to class.
- Do not park.

IN THE AFTERNOON:

- Parents of students not participating in the after school program are to report to the designated loading zone according to the schedule below.

Find the first letter of your last name. Beside your letter is the time you have been assigned to receive your child(ren). Notice pick-up times are staggered. Please be prompt as a courtesy to other parents and neighbors.

A-D	2:50 p.m.
E-H	2:55 p.m.
I-L	3:00 p.m.

M-P	3:05 p.m.
Q-T	3:10 p.m.
U-Z	3:15 p.m.

- Travel west on East 18th Street. As you approach the school property, pull over to the designated loading zone. (Delineators will be placed on the sidewalk to mark off the area.)
- Staff will escort students to standing cars curbside. Once students are seat belted and car doors are closed, drivers will be instructed to proceed safely on East 18th Street.
- This pattern repeats until all students are dismissed.

AFTER SCHOOL

- Parents of students participating in the after school program are to stop by briefly to receive their child(ren) between 3:30 and 5:00 p.m.
- Do not park within 15 feet of the fire hydrant.
- Kline School closes at 5:00 p.m.

Every driver must comply with the drop-off and pick-up procedure.

VISITING THE SCHOOL

When you have school business, please park on the south side of East 18th Street, directly across from the school.

We request your cooperation in helping our teachers maximize their planning and preparation time. Rather than attempting to meet on a "drop-in" basis during busy early morning and afternoon hours, please use the teacher's voicemail and e-mail systems. This is the best way to stay in touch and arrange for a conference if necessary. Listed below are individual voice mailbox extensions and e-mail addresses:

SCHOOL VOICEMAIL: (949) 722-7242

Staff Directory	extension	e-mail address
Susan Kline	3	kline@klineschool.com
Sean Butler	4	butler@klineschool.com
Nancy Patino	5	patino@klineschool.com
Todd Stuart	6	stuart@klineschool.com
Christopher Rhodes	7	rhodes@klineschool.com
Shylda Odell	9	odell@klineschool.com

PLANNING DIVISION - CITY OF COSTA MESA
DESCRIPTION/JUSTIFICATION

Application #: *PA-86-121 PA-86-103*

Environmental Determination:

Address: *320 EAST 10TH STREET COSTA MESA CA 92627*

1. Fully describe your request:

See attached

2. Justification

- A. For a Conditional Use Permit or Minor Conditional Use Permit: Describe how the proposed use is substantially compatible with uses permitted in the same general area and how the proposed use would not be materially detrimental to other properties in the same area.

See attached

- B. For a Variance or Administrative Adjustment: Describe the property's special circumstances, including size, shape, topography, location or surroundings that deprive the property of privileges enjoyed by other properties in the vicinity under the identical zoning classification due to strict application of the Zoning Code.

3. This project is: (check where appropriate)

☐ In a flood zone.

☐ Subject to future street widening.

☐ In the Redevelopment Area.

☐ In a Specific Plan Area.

4. I have reviewed the HAZARDOUS WASTE AND SUBSTANCES SITES LIST published by the office of Planning and Research and reproduced on the rear of this page and have determined that the project:

☒ Is not included in the publication indicated above.

☐ Is included in the publication indicated above.

Susan A. Kline

Signature

6.2.06

Date

APPLICATION REQUEST

Kline School requests approval of a prescribed weekday curbside drop-off and pick-up procedure for approximately 30 families and permission to park four to five staff vehicles street side for an interim period pending relocation to a new school site.

BACKGROUND

Kline School has been an 18-year tenant of the Lighthouse Coastal Community Church (formerly the First Baptist Church of Costa Mesa). In August 1987, Kline School purchased the Newport Community School property located at 320 East 18th Street, Costa Mesa. Kline School operated under two Conditional Use permits: PA-86-103, issued June 23, 1986, an approval to operate a private elementary school, and PA-86-121, issued July 28, 1986, use of 20 parking spaces on the adjoining church parking lot. (There is no on-site parking.)

In 1995, Kline School got permission from the church to develop an abandoned parcel of land north of, and adjacent to, the school property for modular classrooms. The school assumed full responsibility for the purchase and installation of the building, as well as made major landscape improvements. PA-95-29 issued May 22, 1995, allowed placement of a temporary modular classroom building for the use of the school on the grounds of the Lighthouse Coastal Community Church (formerly the First Baptist Church of Costa Mesa). Approval was for a period of five years.

On May 16, 2000, Kline School requested an extension of time to retain the modular building. The request was denied by the Zoning Administrator on July 28, 2000 because further research showed that the modular building covered a required parking area for the church. Kline School appealed the Zoning Administrator's decision. On September 25, 2000, the Planning Commission approved the retention of the modular building ZA-00-19 subject to conditions of approval. One of the conditions of approval was to resurface the church's sorely neglected parking lot. Kline School financed the resurfacing of the parking lot and on December 1, 2005, the Lighthouse Coastal Community Church repaid the loan in full.

In the fall, 2000, ZA-00-19 was challenged by a few Magnolia Street residents. They made a series of appeals and eventually the city, church, and school landed in court. Kline School hired an attorney specializing in civil law, to protect both the church and the school from serious restrictions and curfews. This was all done at Kline School's expense and at no time did the school request compensation from the church. On May 20, 2002, the judge ruled from the bench. He upheld the City's decision to permit Kline School use of their modular classrooms and the church's preschool operations and youth activities.

Over the past seven months, Kline School has been in negotiations with the Lighthouse Coastal Community Church to renew its long-term lease agreement. Kline School owns the main school building and the playground space, but leases the undeveloped church land for the modular classrooms and some of the parking lot for parking and play, as well as the drop-off and pick-up of students.

Despite the school's determination to present a counter offer within fair market values and industry standards, the Lighthouse Coastal Community Church Elders and Pastor Leigh Harrison insisted upon a 150% increase over the current lease. This would place an unreasonable financial burden on the school. Consequently, Kline School made a final offer asking the Church Elders to extend the current lease at a 33% increase, or \$2,000 per month for the use of the undeveloped land and 8 parking spaces for one year. It was pointed out that this would give the school time to remove the modular classrooms and cease use of the church property, as well as give the church time to negotiate property use with other interested parties.

To our great disappointment, we received notice on May 10, 2006, that our offer was unacceptable along with a perfunctory letter terminating our lease effective June 30, 2006. It is under these unique circumstances that we ask the Planning Division and the Planning Commissioners to permit Kline School families to use a curbside drop-off and pick-up procedure, as well as to allow four to five cars to park curbside for a short interim period pending our relocation to a new site.

DESCRIPTION

Fully describe your request:

- 1.) ***Kline School requests approval of a prescribed weekday curbside drop-off and pick-up procedure for approximately 30 families for an interim period pending relocation to a new school site.*** In the morning, cars would trickle by the front of the school between 7:30 and 8:05 a.m. In the afternoon, we would give each of our families a designated pick-up time, so that there would be no more than two or three cars curbside at any given time. These intervals would be set from 2:50-3:15 p.m. The six to eight families participating in the extended day care program would stop by briefly to receive their children between 4:00 and 5:00 p.m. Kline School closes at 5:00 p.m.
- 2.) ***Kline School requests permission to park four to five staff vehicles street side for an interim period pending relocation to a new school site.*** Staff vehicles would use the south side of East 18th Street and/or the east side of Santa Ana Avenue adjacent to the Lighthouse Coastal Community Church property. So as not to congest the

neighborhood, Kline School would cease all evening and daytime special on-site programming. Special school wide events would be held off campus. (See Appendix E)

JUSTIFICATION

- 1.) There are virtually no cars on either side of the street from 7:30 a.m. to 5:00 p.m. Even on days when there is trash pick-up, there is plenty of room. (See Appendix A: Photographs of East 18th and Santa Ana Streets)
- 2.) Kline School canvassed the immediate neighborhood with a letter asking for their opinion. Thirty-one percent of those surveyed supported the interim plan. It is worthwhile to note that almost all of the respondents have been long-term residents ranging from 12-70 years and all live immediately south, east, and west of the school. Six percent, or two respondents who live down the street from the school, preferred that the school not use a curbside drop-off and pick-up procedure. (See Appendix B: Parcel Map with Corresponding Memorandums)
- 3.) Kline School will distribute a written curbside drop-off and pick-up procedure to parents before the onset of the 2006-07 school year. More importantly, the school's staff will closely monitor its implementation. If a family does not adhere to the curbside procedure, it will be addressed and resolved, even if that means dismissing the student. (See Appendix C: Curbside drop-off and pick-up procedure.)
- 4.) Kline School is changing staff working hours to make sure someone is curbside to receive and release students. Staff hours for the 2006-07 school year are 7:30 a.m. start time (not report time) to 3:30 p.m.
- 5.) Kline School has engaged the services of four agents and enlisted the help of all parents and friends of the school to assist with a New Site Search. The professionals include:

Donald Curtis, Curtis & Associates Realty
Robert Milliken, Coldwell Banker Realtor
Scott Reed, Coldwell Banker Realtor
Ginger McCully, Ticor Title Company
Joseph Carroll, Developer
Anne Pauley, McCray Property Management

As soon as a suitable property is ready for occupancy, Kline School will move. Moreover, a move does not necessarily have to coincide with a scheduled school recess or summer break.

- 6.) Out of respect for the conditional use process, Kline School will cease its operations effective June 16, 2006 pending the Planning Division and Commissioners' decision. Kline School typically operates a four to five week summer session. The closure not only presents a significant financial loss, but it also burdens the school's families.
- 7.) Kline School will meet the demands of the Lighthouse Coastal Community Church by removing the modular classrooms by June 30, 2006. The school will limit its enrollment to its on site capacity of 45 students and hold others on a waiting listing pending a move to a new site.
- 8.) Kline School offers a valuable service to the community. Personal Letters from a cross-section of Kline School supporters—from the school's next door neighbor to the 95 year old former volunteer—are testimony to the uniqueness and quality of the Kline School program and its operation. (See Appendix D)

APPENDIX A

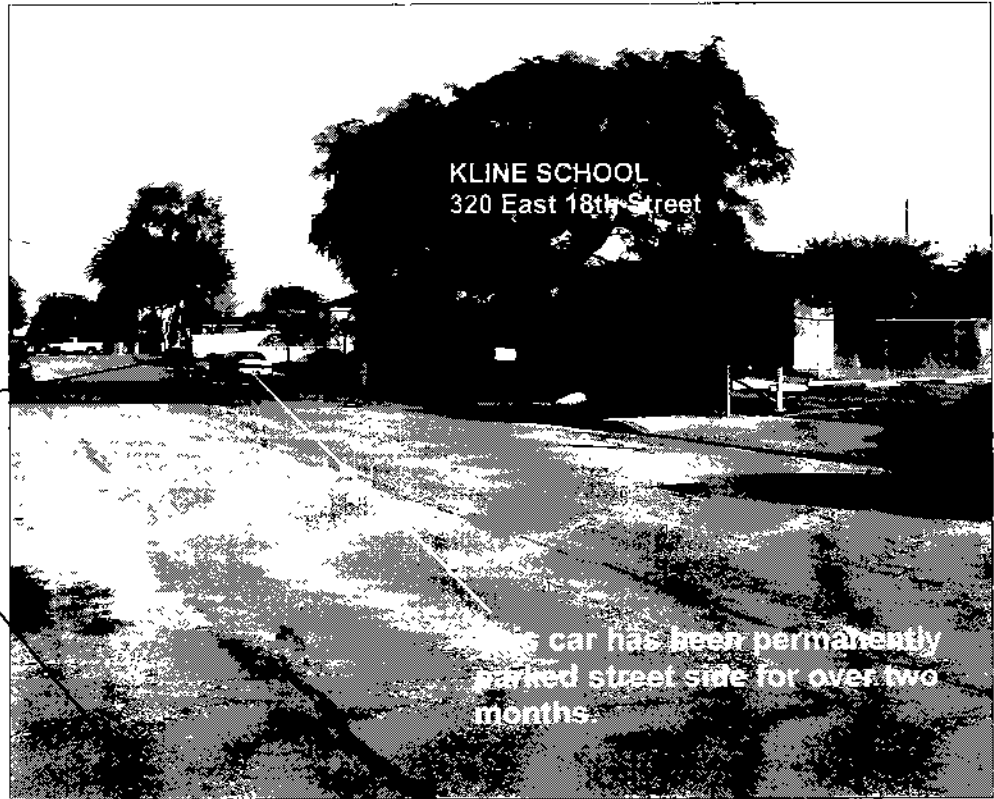


This car has been permanently parked street side for over two months.

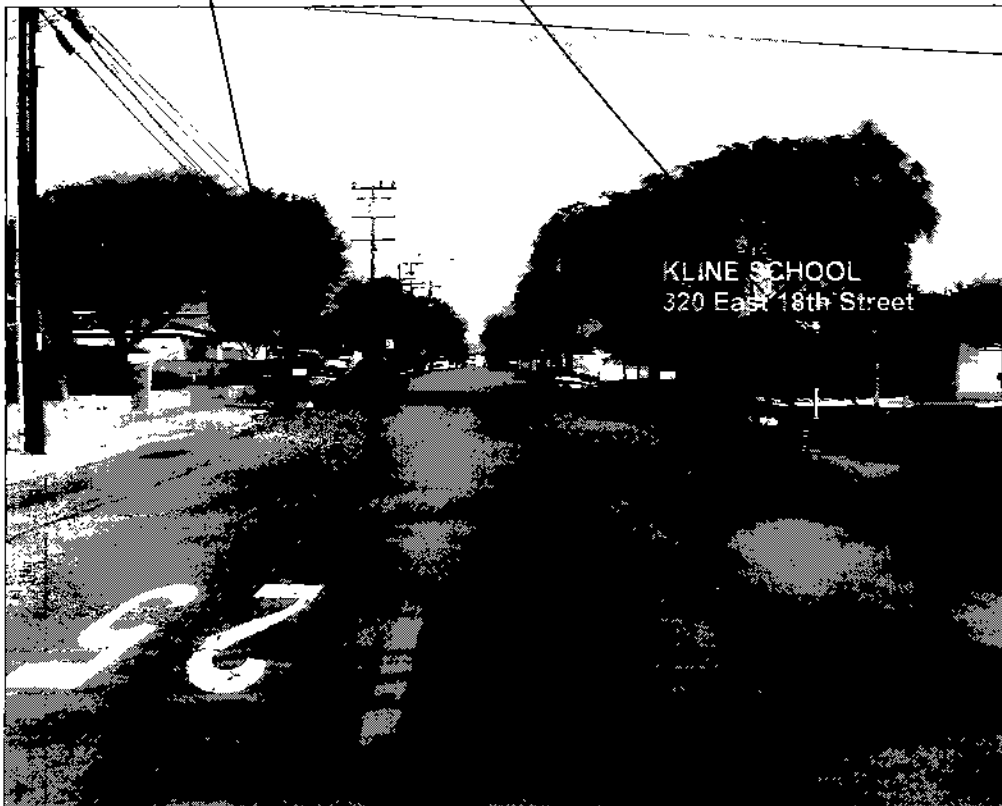
There is plenty of room for drop-off and pick-up of students in the morning and in the afternoon. Above photograph taken at 7:30 a.m., May 31, 2006 and the below photograph taken 3:00 p.m. June 1, 2006.

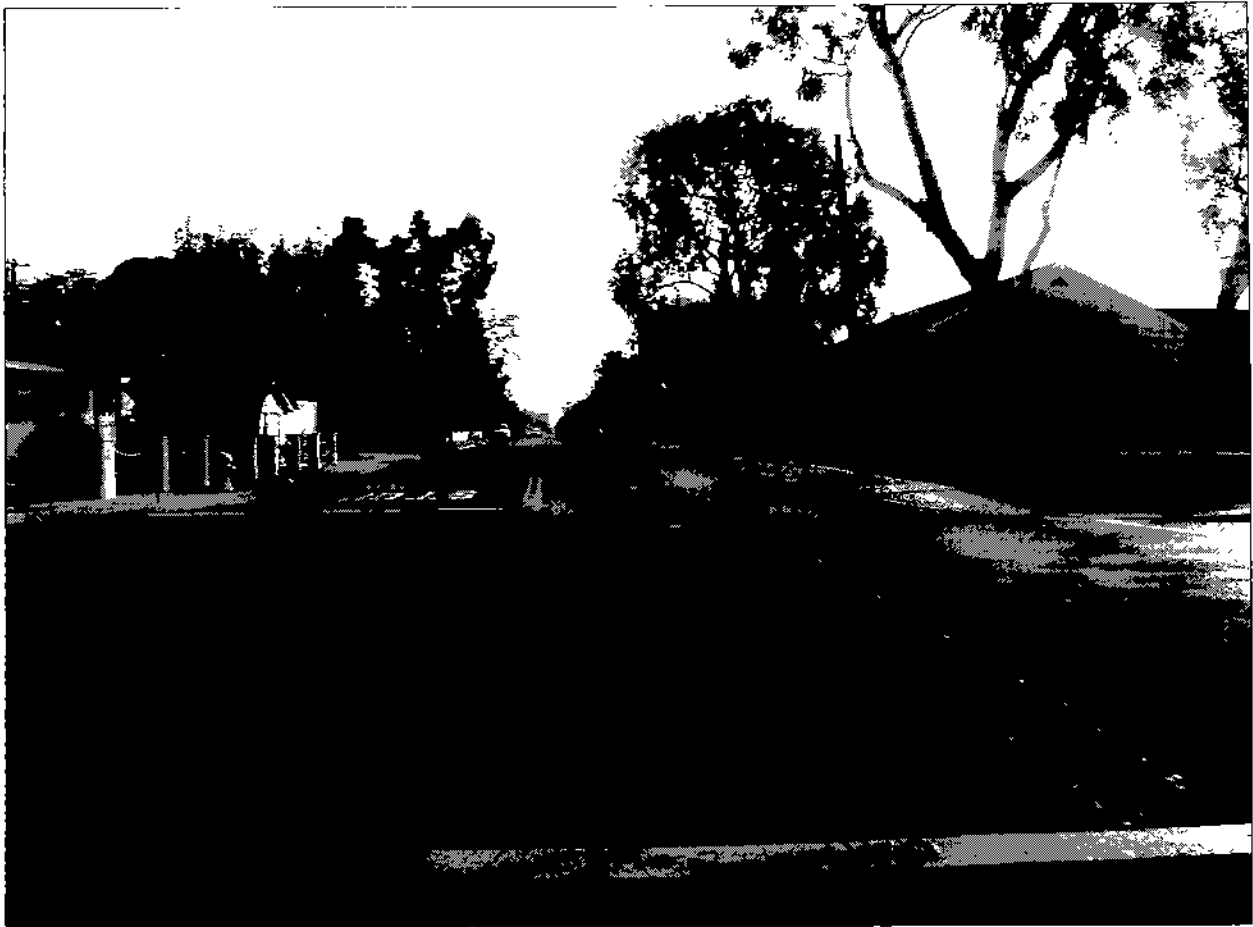


Trash Receptacles



There is plenty of room for drop-off of students on a trash pick up day. Both photographs taken at 7:30 a.m., May 23, 2006.





There is plenty of street side parking adjacent to the church parking lot at the corner of Santa Ana and 18th Streets. Photograph taken 7:30 a.m. , May 23, 2006.



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

**FOR ATTACHMENTS NOT INCLUDED IN THIS REPORT,
PLEASE CONTACT THE PLANNING DIV. AT (714)754-5245.**